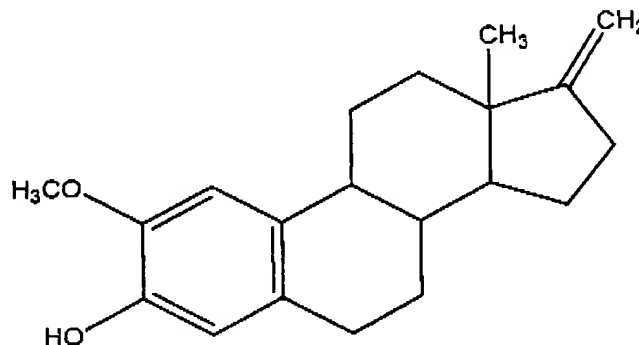


invention. Thus, the examiner requests that the structure of the compound of Claim 3 be provided.

Applicants disagree that Claim 3 defines hundreds of compounds and that it would be a burden on the examiner to determine the scope of the invention. Nevertheless, in the interest of advancing prosecution, applicants provide the following structure of the species of Claim 3 as follows:



The Office Action states that the information disclosure statements filed in paper Nos. 5 and 12 fail to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent, each publication and all other information. The Office Action states that information disclosures statements have been placed in the file, but have not been considered.

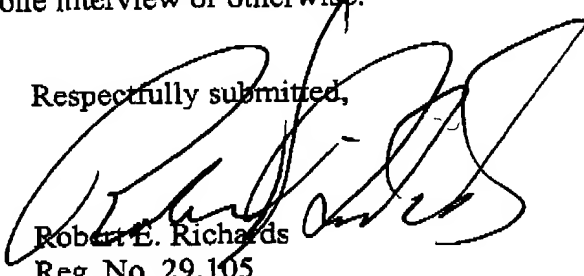
Applicants submit that they did comply with 37 CFR 1.98(a)(2) by providing a legible copy of each U.S. and foreign patent, each publication and all other information referenced in the information disclosure statements filed in paper Nos. 5 and 12. Attached hereto are copies of the postcards that accompanied the information disclosure statements, bearing the Office stamp, indicating that the Office received 12 references and 64 references, respectively. Therefore, it appears to be an error by the Office that the examiner did not receive copies of the references. Nevertheless, enclosed herewith are copies of the 76 references previously submitted and listed on the Form 1449s. Applicants submit that the examiner should consider the enclosed references since they were timely filed in the previous information disclosure statements and the

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failure of those references to be presented to the examiner lies with the Office. Such action is courteously solicited.

Applicants respectfully request reconsideration of the present application in view of the foregoing remarks. Such action is courteously solicited. Applicants further request that the Examiner call the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview or otherwise.

Respectfully submitted,



Robert E. Richards
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Serial No. 09/939,208

ATLLJ02 133036.1

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gregory E. Agoston, et al.

Serial No. 09/939,208

Filed: August 24, 2001

For: Angiogenic Agents

Art Unit: 1616

Examiner: Sabiha Qazi

Resubmission of Articles

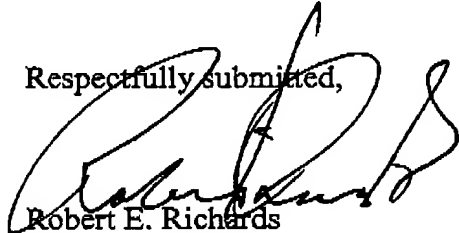
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action mailed April 18, 2003, Applicants resubmit copies of all documents previously cited in the Information Disclosure Statement which was filed on March 22, 2002, the Supplemental Information Disclosure Statement which was filed on May 8, 2002, and the Supplemental Information Disclosure Statement which was filed on October 9, 2002. Original documents were provided to the United States Patent and Trademark Office with the Information Disclosure Statements as originally filed and are being resubmitted at the request of the Examiner.

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Respectfully submitted,


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I hereby certify that this correspondence is being hand delivered to the United States Postal Service in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on July 18, 2003.


Robert E. Richards - Reg. No. 29,105